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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 **William Allen Garrett,**

Petitioner,

12
13 **v.**

14 **Dr. Jeffrey Beard, Secretary,**

15
16 Respondent.

Case No. 14cv1572 BEN (PCL)

**ORDER DENYING MOTION
FOR APPOINTMENT OF
COUNSEL**

(Doc. 17)

17 **MOTION FOR APPOINTMENT OF COUNSEL**

18 Petitioner requests the Court appoint counsel to assist him in his habeas case because the
19 issues in his case are particularly complex. He argues that he has mental health issues and severe
20 disabilities. (Doc. 17.)

21 The Sixth Amendment right to counsel does not extend to federal habeas corpus actions
22 by state prisoners. See McCleskey v. Zant, 499 U.S. 467, 495 (1991) (citing Pennsylvania v.
23 Finley, 481 U.S. 551, 555 (1987) (“The right to appointed counsel extends to the first appeal of
24 right, and no further”); Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996) (noting that there
25 currently exists no constitutional right to appointment of counsel in habeas proceedings); Chaney
26 v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986). However, courts may appoint counsel for
27 financially eligible habeas petitioners seeking relief pursuant to 28 U.S.C. § 2254 where “the
28 interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B); Chaney, 801 F.2d at 1196. Whether
or not to appoint counsel is a matter left to the court’s discretion, unless an evidentiary hearing is

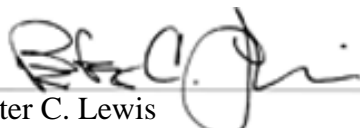
1 necessary. See Knaubert v. Goldsmith, 791 F.2d 722, 728-30 (9th Cir. 1986) (explaining that the
2 interests of justice require appointment of counsel when the court conducts an evidentiary
3 hearing on the petition). “In deciding whether to appoint counsel in a habeas proceeding, the
4 district court must evaluate the likelihood of success on the merits as well as the ability of the
5 petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.”
6 Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

7 Petitioner has been able to articulate his habeas claims to this Court. He has not
8 demonstrated that he is unable to communicate with this court due to his mental issues or
9 disabilities. He also has not shown that he is entitled to an evidentiary hearing. Thus, Petitioner’s
10 motion for appointment of counsel is hereby DENIED.

11 Petitioner is reminded that he should submit his Traverse by October 27, 2014.

12 IT IS SO ORDERED.

13 DATE: September 30, 2014

14 
15 Peter C. Lewis
16 U.S. Magistrate Judge
17 United States District Court

18 cc: The Honorable Benitez
19 All Parties and Counsel of Record
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